

REMARKS

Claims 1-12 and 20 are pending in the present application. Claims 13-19 and 21-24 were previously withdrawn in response to a restriction requirement.

In this Response, FIG. 4 has been amended to correct a typographical error. Additionally, claims 1 and 20 have been amended.

The drawings are objected to. Claims 1-12 and 20 are rejected. More specifically, claims 1-2, 4-5, 8-11, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Foster (U.S. Patent No. 6,332,134). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Steinberg (U.S. Patent No. 6,618,763). Claims 6-7 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Davis *et al.* (U.S. Patent No. 6,282,522).

Objection to the Drawings

The drawings are objected to because in FIG. 4, the item “Browser Plugin 30” should be labeled as “Browser Plugin 80.” Accordingly, FIG. 4 has been amended to correct a typographical error and recite the proper reference numeral.

Rejection of Claims 1-2, 4-5, 8-11, and 20 under 35 U.S.C. § 102(e)

Claims 1-2, 4-5, 8-11, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Foster (U.S. Patent No. 6,332,134). This rejection is respectfully traversed because Foster does not disclose each and every element of independent claims 1 and 20.

In order to maintain an anticipatory rejection under 35 U.S.C. § 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.). Foster does not qualify as an anticipatory reference with respect to claims 1 and 20.

Foster does not disclose each and every element of claims 1 and 20. Claims 1 and 20, as amended, recite in part “receiving, by the financial institution, a user-

initiated request from a merchant for settlement of a network transaction with the merchant.” However, Foster discloses that the request goes directly from the user to the card company’s system. “[T]he cardholder’s browser transmits a request to pay (RTP) to the card company’s system as shown at path 214.” Col. 8, lines 13-16 (emphasis added). FIG. 2 of Foster also depicts the request to pay from the card holder 204 to the card center 202. In contrast, claims 1 and 20 recite “receiving, by the financial institution, a user-initiated request from the merchant.” (emphasis added). Therefore, Foster does not disclose receiving, by the financial institution, a user-initiated request from the merchant, as recited in claims 1 and 20.

For at least the reasons stated above, Foster does not anticipate independent claims 1 or 20 of the present application. Therefore, the undersigned respectfully submits that independent claims 1 and 20 are allowable over the cited art. Further, dependent claims 2, 4-5, and 8-11 are also allowable as they contain the limitations of the claims on which they depend. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 1-2, 4-5, 8-11, and 20.

Rejection of Claim 3 under 35 U.S.C. § 103(a)

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Steinberg (U.S. Patent No. 6,618,763). This rejection is respectfully traversed.

Foster, for at least the reasons stated above, does not teach or suggest independent claim 1 of the present application. Steinberg does not cure the deficiencies of Foster. Therefore, neither Foster nor Steinberg, alone or in combination, teach or suggest independent claim 1 of the present application. Thus, the undersigned respectfully submits that independent claim 1 is allowable over the cited art. Further, dependent claim 3 is also allowable as it contains the limitations of the claims on which it depends. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejections of claim 3.

Rejection of Claims 6-7 and 12 under 35 U.S.C. § 103(a)

Claims 6-7 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Davis et al. (U.S. Patent No. 6,282,522). This rejection is respectfully traversed.


Foster, for at least the reasons stated above, does not teach or suggest independent claim 1 of the present application. Davis does not cure the deficiencies of Foster. Therefore, neither Foster nor Davis, alone or in combination, teach or suggest independent claim 1 of the present application. Thus, the undersigned respectfully submits that independent claim 1 is allowable over the cited art. Further, dependent claims 6-7 and 12 are also allowable as they contain the limitations of the claims on which they depend. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejections of claims 6-7 and 12.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

Date: 6/17/05
KILPATRICK STOCKTON LLP
607 14th Street, N.W., Suite 900
Washington, D.C. 20005
(202) 508-5800

By: 
Eric L. Sophir
Registration No. 48,499

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to FIG. 4. More specifically, as requested by the Examiner, “Browser Plugin 30” has been amended to depict “Browser Plugin 80.”

Attachment: Replacement Sheet